

1 CHAIRMAN BENNETT: Ms. Nussmeyer, anything to  
2 add?

3 MS. NUSSMEYER: Mr. Chairman, if I might, I  
4 don't believe we've received a response from  
5 Mr. Leonard.

6 MS. THOMPSON: Mr. Chairman, at this time, we  
7 have not.

8 CHAIRMAN BENNETT: Any questions or comments  
9 from the Commissioners? Hearing none, we'll move  
10 to the next item.

11 MR. KING: Mr. Chairman, Members of the  
12 Commission, behind the material I just mentioned is  
13 a complaint filed by Mr. Joe Weingarten on Friday,  
14 November 2nd of 2018. And there is both an  
15 original email and an amended email, that's -- are  
16 both from that same date with regard to the  
17 Committee Elect Brian Bosma, John Trimble as  
18 Treasurer.

19 As is the campaign finance staff's practice, a  
20 copy of this complaint was forwarded to the  
21 Committee, and a response was received. You will  
22 find that response about five pages further back.  
23 It was filed on January 14, 2019, by  
24 Ms. Margaret Christensen of Bingham, Greenebaum,  
25 and Doll, and addresses the items in

1 Mr. Weingarten's complaint in a narrative along  
2 with several exhibits. And I'll defer to  
3 Ms. Nussmeyer.

4 CHAIRMAN BENNETT: Ms. Nussmeyer?

5 MS. NUSSMEYER: I have nothing further,  
6 Mr. Chairman.

7 CHAIRMAN BENNETT: Thank you. Any comments,  
8 questions from the Commissioners?

9 MR. LONG: Just take a second to familiarize  
10 myself with it.

11 MR. KING: Mr. Chairman, if I could add just  
12 for the record, in both cases regarding the Leonard  
13 and Bosma complaints, I forwarded copies of the  
14 material to Commission Members when they were  
15 received. I'm assuming that my counterpart has as  
16 well.

17 CHAIRMAN BENNETT: Thank you.

18 MR. KLUTZ: Mr. Chairman, if I may? It  
19 appears that the email requested an investigation  
20 in -- the Election Division opened an investigation  
21 that Mr. King challenged the candidate campaign.  
22 Our directive under the code, Indiana Code  
23 3-6-4.1-21 says: "If the Commission determines  
24 that there is substantial reason to believe an  
25 election law violation has occurred, then it should

1 expeditiously make an investigation." So what we  
2 have here appears that a request for an  
3 investigation based upon campaign expenditures and  
4 whether they were proper, I suppose. We have  
5 campaign contributions used for legal fees to  
6 advise, consult regarding campaign attack mailers.  
7 It appears that is permissible use of money if I  
8 look at Indiana Code 3-9.34: "Money received by a  
9 candidate or committee can be used for the  
10 following to defray any expense reasonably related  
11 to any person's campaign for office, continuing  
12 political activity, or activity related to the  
13 service in an elected office." That all appears to  
14 be -- have occurred. So I guess I do not see,  
15 again, substantial reason to believe an election  
16 law violation has occurred and does not require an  
17 investigation.

18 CHAIRMAN BENNETT: Thank you,  
19 Commissioner Klutz. Any other comments by  
20 Commissioners?

21 MR. LONG: Do you have any?

22 MR. KLUTZ: I guess I make a motion that an  
23 investigation, as requested by email dated  
24 November 2nd of 2018, as amended, is not necessary.

25 CHAIRMAN BENNETT: Is there a second? I'll

1 second the motion.

2 MR. CLAYTOR: Could you -- the motion is it's  
3 not necessary?

4 MR. KLUTZ: The request was to open an  
5 investigation. I guess I made a motion based upon  
6 what I've seen, there is not a substantial  
7 likelihood that a campaign violation has occurred.  
8 So I made a motion that an investigation not be  
9 opened or initiated based upon the request made  
10 by -- within the email.

11 MR. CLAYTOR: Okay. Just a suggestion, and I  
12 think a cleaner motion would be just to deny the  
13 request.

14 MR. KLUTZ: That's fine. I'll amend my motion  
15 to simply say that we deny the request.

16 CHAIRMAN BENNETT: Is there a second to that  
17 motion?

18 MR. CLAYTOR: Second.

19 CHAIRMAN BENNETT: All in favor, say aye.

20 (Chorus of ayes.)

21 CHAIRMAN BENNETT: All opposed, say nay. The  
22 ayes have it. The motion to deny the request to  
23 open an investigation is sustained.

24 MR. CLAYTOR: Mr. Chairman, can I ask a  
25 question? On the previous complaint, we didn't do